

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Criminal Minute Order

FILED

JUN 18 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

The Honorable Claudia Wilken, Presiding
Clerk: Sheilah Cahill
Court Reporter: David Disbrow, pro tem
Date: 6/18/08

Plaintiff: United States

v.

No. CR-08-00034 CW

Defendant: Mitchell Charles Vincent (present - in custody)

Appearances for Plaintiff:
Wade Rhyne

Appearances for Defendant:
Ned Smock

Hearing: Change of Plea and Sentencing

Notes: Defendant enters under oath plea of guilty to the single count felony information charging violation of 18 USC 922(g)(1) - felon in possession of a firearm and ammunition. Plea Agreement filed. Court finds factual basis for plea; Court accepts plea. Defendant waives his right to a PSR and requests immediate sentencing. Based on the plea agreement, the Court finds Offense Level 21, Criminal History 5, leading to a Guideline Range of 70-87 months. Pursuant to the binding plea agreement, the Court sentences the defendant to the low end of 70 months custody of AG to be followed by three years supervised release under the usual terms and conditions and the special conditions the defendant participate in drug and alcohol treatment and testing as directed by probation officer, submit to search as set forth in plea agreement, submit to DNA testing and not possess any firearms. No fine imposed due to lack of ability to pay a fine; Court imposes \$100 special assessment due immediately, but may be paid through the defendant's participation in the BOP Inmate Financial Responsibility Program at the rate of \$25 per quarter. Court will recommend RDAP and designation to a facility close to Oakland. Defendant remanded to custody of U.S. Marshal. See J&C for details.

Copies to: Chambers